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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,579	09/22/2003	Howard Boilen	A25-017	9636

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EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,579

Applicant(s)

BOILEN, HOWARD

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 8 and 11 are rejected under 35 U.S.C. 103(a) as being anticipated by Denter et al (4,573,387), hereafter Denter, in view of Reinhardt (732,585). Denter discloses flat working surface 3; means for processing 5, 6, 7, 8; means for adjusting 13; side walls 24, 25; recesses shown in figures 2-4 at the bottom of the side walls; slicing blade 6; ribs 39, 40; height of ribs in figure 4; the recesses are capable of receiving a rim of a cooking utensil and of securely engaging the food processing device to the cooking utensil due to the depth of the recesses shown in figures 2-4. Denter does not disclose an upper leg hinged at one end of the working surface, a lower leg hinged to a second end of the upper leg, the lower leg foldable onto the upper leg and each upper leg foldable beneath a side edge of the working surface. However, Reinhardt teaches an upper leg 5 hinged 2 at one end of the working surface 3, a lower leg 11 hinged 10 to a second end of the upper leg 5, the lower leg 11 foldable onto the upper leg 5 and each upper leg foldable beneath a side edge of the working surface as shown in figure 3. It would have been obvious to provide an upper leg hinged at one end of the working surface, a lower leg hinged to a second end of the upper leg, the lower leg foldable onto the upper leg and each upper leg foldable beneath a side edge of the working surface in Denter as taught by Reinhardt in order to adjust the height working surface.

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3. Claims 3, 4, 6, 7, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Denter and Reinhardt as applied to claims 1, 2, 8 and 11 above, and further in view of Doyel (4,212,431) and Zeder (US2004/0216579 A1). The combination discloses everything as noted above, but does not disclose a food grating surface, a plurality of slicing blades, a plurality of vertical blades, a flat and wavy removable auxiliary blade for horizontally slicing the foodstuff, a removable flat horizontal blade, and does not disclose a removable horizontal wavy blade. Doyel teaches grating surface 109. Zeder teaches vertical blades 76; a plurality of slicing blades 76, 45, 46; a flat and wavy removable auxiliary blade for horizontally slicing the foodstuff 45, 46; a removable flat horizontal blade 45; and a removable horizontal wavy blade 46. It would have been obvious to provide a plurality of slicing blades, a plurality of vertical blades, a flat and wavy removable auxiliary blade for horizontally slicing the foodstuff, a removable flat horizontal blade, and a removable horizontal wavy blade in the combination as taught by Doyel and Zeder in order to increase the ways that the apparatus can manipulate food.

Response to Arguments

4. Applicant's arguments filed 05/15/06 have been fully considered but they are not persuasive. Applicant asserts that the depth of the recesses in Denter is not sufficient to receive and securely engage a rim of a cooking utensil. It is believed that the depth of the recess as shown in figures 2-4 are of sufficient depth. There are several cooking utensils that have rims that are thin enough to be received in the recesses in Denter, such as, microwave-safe dishes made by Ziploc. Also, in order for the recesses to securely engage the rim of the cooking utensil, the food processing device must only be capable of being laid on top of the utensil because the

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walls of the recesses alone provide resistance to movement of the device on top of the utensil rim.

Applicant's arguments with respect to the claims concerning the upper and lower leg have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LA

IH

June 16, 2006


KENNETH E. PETERSON
PRIMARY EXAMINER